



7-15-5

DAE
IFW

PATENT
Attorney Docket No. 1474
Express Mail Label No. EV413242457US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Durga P. Satapathy, et al.	Examiner	Temica Beamer
Serial No.	10/035,620	Group Art No.	2681
Filed	December 28, 2001	Confirmation No.	3860
For	System And Method For Multiple Access Communication		

July 14, 2005

Mail Stop PETITION
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Dear Sir:

Pursuant to 37 CFR 1.181(a), Applicants hereby petition to withdraw the holding of abandonment in this case because the Office Action forming the basis of the abandonment was not received by Applicants.

1. Statement of Nonreceipt:

I hereby state:

- (a) The Office Action indicated as being mailed on September 20, 2004, was not received.
- (b) A search of the file jacket and the docket records indicates that this Office Action was not received.

2. Docket Report Showing Nonreceipt: Attached as Exhibit A is a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed.

3. Additional Evidence of Nonreceipt: As additional evidence of non-receipt of the Office Action, also attached are:

- (a) Copies of records (a Status Inquiry) that would disclose the receipt of other correspondence mailed from the PTO on or about the mail date of the non-received Office Action that fail to disclose the receipt of the office action mailed on that date, attached hereto as Exhibit B.
- (b) Other.
 - (1) A print from the PAIR Website showing the Status Inquiry was received on October 22, 2004, attached as Exhibit C.
 - (2) A copy of the Change of Correspondence Address as filed on October 13, 2004, attached as Exhibit D.
 - (3) A copy of the Office Action dated September 20, 2004, showing it as nondeliverable and returned to the Patent Office, file stamped October 5, 2004, attached as Exhibit E.

4. **Statement of Facts:**

This application was filed on December 28, 2001. A Change of Correspondence Address was filed on behalf of Applicants on October 13, 2004. A Status Inquiry was filed on behalf of Applicants on October 19, 2004.

On March 30, 2005, Jim Stipek (Attorney for Applicants) received a message from Examiner Temica Beamer stating that an Office Action was issued on this matter September 20, 2004, and it did not appear that Applicants received the action. On April 1, 2005, Stipek returned Examiner Beamer's call and told the Examiner that Applicants did not receive the action dated September 20, 2004, requested that the action be reissued, and stated that Applicants filed a Change of Correspondence Address on October 13, 2004, filed a Status Inquiry on October 19, 2004, and Applicants did not receive a response to the Status Inquiry. An internal Status Inquiry date was set in the docketing system for July 1, 2005.

On June 29, 2005, the Status Inquiry dated due July 1, 2005, was noted and the above-referenced application was reviewed to report the status to Applicants. Upon reviewing the file, Stipek noted that Applicants had not received any Office action, re-issued or otherwise.

Stipek contacted Examiner Beamer and spoke to Examiner Beamer on July 1, 2005. Examiner Beamer indicated that the above-referenced application

was abandoned for failure to respond to the Office Action dated September 20, 2004. Examiner Beamer reviewed the Patent Office records and indicated that the Office Action was mailed on September 20, 2004, but was returned to the Patent Office as undeliverable. Examiner Beamer indicated that the Patent Office received the Change of Correspondence Address filed on October 13, 2004, the Patent Office received the Status Inquiry filed October 19, 2004, and a response to the Status Inquiry was not mailed to Applicants.

The Patent Office did not call or otherwise contact Applicants or Applicants' representative when the Office Action was returned to the Patent Office as being undeliverable. The Patent Office did not call or otherwise contact Applicants or Applicants' attorney prior to March 30, 2004. Neither Applicants nor Applicants' representative received any written communication from the Patent Office at any time prior to July 1, 2005. Applicants did not receive a response to the Status Inquiry or a Notice of Abandonment prior to July 1, 2005.

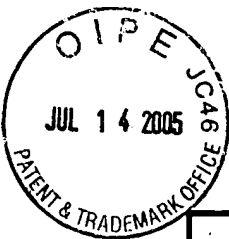
5. **Action Requested:** Applicants request a withdrawal of the holding of abandonment and a formal notification of such withdrawal.

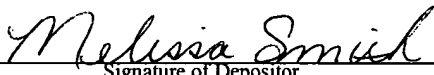
Applicants believe that no fees are due. However, if any fee is deemed necessary in connection with this Petition, the Commissioner is authorized to charge that additional fee to Deposit Account No. 21-0765. Please call the undersigned with any questions.

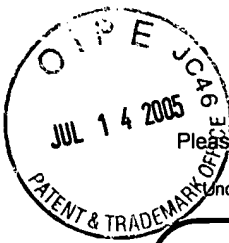
Respectfully submitted

A handwritten signature in black ink, appearing to read "James M. Stipek", written over a horizontal line.

James M. Stipek, Reg. No. 39,388
Lathrop & Gage, L.C.
2345 Grand Boulevard, Suite 2400
Kansas City, Missouri 64108
Telephone: (816) 460-5848
Facsimile: (816) 292-2001
Attorney for Applicants



CERTIFICATE OF MAILING BY EXPRESS MAIL POST OFFICE TO ADDRESSEE (37 CFR 1.10)			Matter No.
Applicant(s): Durga P. Satapathy, et al.			1474
Serial No.	Filing Date	Examiner	Group Art Unit
10/035,620	December 28, 2001	Temica M. Beamer	2681
Invention System and Method for Multiple Access Communications			
<p>I hereby certify that the following: Transmittal Form (1 page); Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (3 pages); Exhibit A (2 pages); Exhibit B (3 pages); Exhibit C (2 pages); Exhibit D (1 page); Exhibit E (23 pages); and return post card are being mailed in an envelope addressed to: Mail Stop: Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 14th day of July, 2005.</p>			
<div>Melissa Smith Name of Depositor</div>			
<div> Signature of Depositor</div>			
<div>EV413242457US Express Mail Label No.</div>			



Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/035,620	
	Filing Date	December 28, 2001	
	First Named Inventor	Durga P. Satapathy	
	Group Art Unit	2681	
	Examiner Name	Temica M. Beamer	
Total Number of Pages in This Submission		Attorney Docket Number	1474

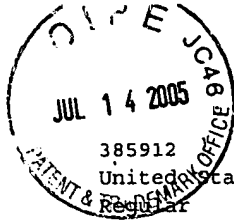
ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Exhibits A-E Certificate of Mailing Postage Paid Return Envelope
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James M. Stipek
Signature	
Date	July 14, 2005

CERTIFICATE OF MAILING 37 CFR 1.10			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail Post Office to Addressee (Label No. EV413242457US) in an envelope addressed to: Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Melissa Smith		
Signature		Date	July 14, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10/20/2004



Patent Information Print

Matter No 385912
 Country United States
 Case Type Regular
 Relation Type Original Filing
 Filing Type National
 Filing Number
 Attorney James M. Stipek
 Agent
 Client Sprint Communications Compan
 Current Owner Sprint Communications Compan
 Atty 2
 Cfm. No. 3860
 Custom Code #1
 Next Tax Dt
 Tax Base Dt
 Publication Dt
 Grant Dt
 Application Dt 12/28/2001
 Parent Grant Dt
 Parent Filing Dt
 Sub Stat Dt
 First Filing Dt 12/28/2001
 Conv Type No Foreign Filing
 Publication #

Patent No
 Application # 10/035,620
 Parent No
 Parent Country
 Sub Stat
 Status Filed
 Total Claims 69
 Ind. Claims 5
 Expiration Dt
 Assigned Assignment Recorded
 Associate
 Asst.
 Para
 Prev Owner
 Ag Ref No
 Clt Dkt No 1474
 Text #2
 Verified N
 Customer L3PP
 Create Dt 1/2/2002
 Update Dt 10/20/2004
 Update Tm 1008
 Update User MRS
 Update Type

Actions

Action	Postcard Inquiry	Comp Dt	1/15/2002
Act Due Date	2/28/2002	Resp Atty #1	
Mailed to PTO		Resp Atty #2	
Drop Dead Date			

Action	Info Discl. Statement	Comp Dt	3/28/2002
Act Due Date	3/28/2002	Resp Atty #1	
Mailed to PTO		Resp Atty #2	
Drop Dead Date			

Act Notes
 IDS not applicable - no inventor art.

Action	Foreign Filing 6 Mon Reminde	Comp Dt	6/28/2002
Act Due Date	6/28/2002	Resp Atty #1	
Mailed to PTO		Resp Atty #2	
Drop Dead Date			

Action	Foreign Filing 9 Mon Reminde	Comp Dt	10/9/2002
Act Due Date	9/28/2002	Resp Atty #1	
Mailed to PTO		Resp Atty #2	
Drop Dead Date			

Action	Foreign Filing 11 Mon Remind	Comp Dt	10/21/2002
Act Due Date	11/28/2002	Resp Atty #1	
Mailed to PTO		Resp Atty #2	
Drop Dead Date			

Action	Foreign File Complete	Comp Dt	10/21/2002
Act Due Date	12/28/2002	Resp Atty #1	
Mailed to PTO		Resp Atty #2	
Drop Dead Date			

Act Notes
 Per email from Jim - client does not wish to file foreign ap
 plications.

Action	Check Rescind Non-Publicatio	Comp Dt	12/28/2002
Act Due Date	12/28/2002	Resp Atty #1	
Mailed to PTO		Resp Atty #2	
Drop Dead Date			

Exhibit

A

Action
Act Due Date
Mailed to PTO
Drop Dead Date

Status Inquiry Due
6/28/2003

Comp Dt
Resp Atty #1
Resp Atty #2

6/28/2003

Action
Act Due Date
Mailed to PTO
Drop Dead Date

Status Inquiry Due
10/19/2005

Comp Dt
Resp Atty #1
Resp Atty #2

Action
Act Due Date
Mailed to PTO
Drop Dead Date

Opt Out Publication

Comp Dt
Resp Atty #1
Resp Atty #2

12/28/2001

Action
Act Due Date
Mailed to PTO
Drop Dead Date

Status Inquiry Filed

Comp Dt
Resp Atty #1
Resp Atty #2

10/19/2004

Action
Act Due Date
Mailed to PTO
Drop Dead Date

No Foreign Filing

Comp Dt
Resp Atty #1
Resp Atty #2

10/21/2002

Act Notes
Per email from Jim - client does not wish to file foreign ap
plications.

Action
Act Due Date
Mailed to PTO
Drop Dead Date

Application Mailed

Comp Dt
Resp Atty #1
Resp Atty #2

12/28/2001

Action
Act Due Date
Mailed to PTO
Drop Dead Date

Filing Receipt Received

Comp Dt
Resp Atty #1
Resp Atty #2

2/7/2002

****Inventors****

Inv Name Durga P. Satapathy

Assigned

12/28/2001

Inv Name John W. Linebarger

Assigned

12/28/2001

Inv Name Thomas L. Holmes

Assigned

12/28/2001

****Other No's****

Other No Cd Reel & Frame #
Other No 012443/0584

Other No Dt

12/28/2001

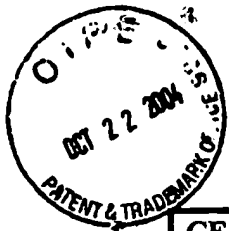
****Title****

Title
System and Method for Multiple Access Communications

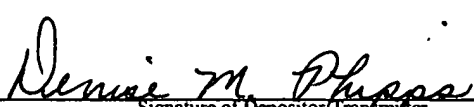
****Text****

Txt Type

Text
MAXIMA.



2681
LW

CERTIFICATE OF MAILING VIA FIRST CLASS MAIL			Matter No.
Applicant(s): Durga P. Satapathy et al.			1474
Serial No.	Filing Date	Examiner	Group Art Unit
10/035,620	December 28, 2001	Not Yet Assigned	2681
Invention: System and Method for Multiple Access Communications			
I hereby certify that this Transmittal Form (1 page); Status Inquiry (1 page); postage paid return envelope; and authorization to charge additional fees that may be required, or credit any overpayment, to Deposit Account No. 21-0765 are being mailed via First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19 day of October, 2004.			
<div>Denise M. Phipps Name of Depositor/Transmitter</div>			
<div> Signature of Depositor/Transmitter</div>			



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/035,620
	Filing Date	December 28, 2001
	First Named Inventor	Durga P. Satapathy
	Group Art Unit	2681
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	1474

ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Mailing Postage Paid Return Envelope	
<table border="1"><tr><td>Remarks</td></tr></table>			Remarks
Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	James M. Stipek
Signature	
Date	October 19, 2004

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: October 19, 2004			
Typed or printed name	Denise M. Phipps		
Signature		Date	October 19, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

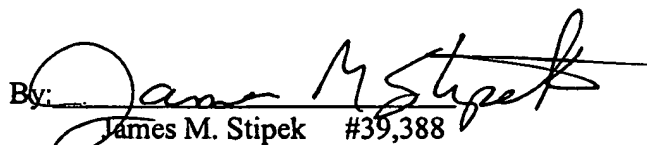
Applicant(s): Durga P. Satapathy et al. Examiner: Not Yet Assigned
Serial No. 10/035,620 Group No. 2681
Filed: December 28, 2001 Customer No. 21396
For: System and Method for Multiple
Access Communications

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATUS INQUIRY

1. Nearly three years have passed since:
☒ NEW APPLICATIONS
The filing of this application on December 28, 2001.
The only communication which has been received from the Patent and Trademark Office since filing our application is a Filing Receipt dated February 7, 2002, and a Notice of Recordation of Assignment Document dated March 5, 2002.
2. Kindly advise the undersigned of the present status of this application, by checking the appropriate box below. A stamped return addressed envelope is provided.
3. The Patent Office is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 21-0765.

Respectfully submitted,

By: 
James M. Stipek #39,388
LATHROP & GAGE
2345 Grand Boulevard, Suite 2300
Kansas City, Missouri 64108-2684
(816) 460-5848 Telephone
(816) 292-2001 Facsimile

STATUS INQUIRY REPLY

Application Serial No. 10/035,620 is currently

- ☐ Assigned to Group _____ and awaits:
- ☐ Action by Examiner.
- ☐ Applicant's response to the Office Action mailed _____.



United States Patent and Trademark Office

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PATENT APPLICATION INFORMATION RETRIEVAL

Search results as of: 7-14-2005::10:30:9 E.T.

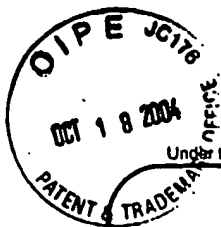
Search results for application number: 10/035,620			
Application Number:	10/035,620	Customer Number:	21396
Filing or 371(c) Date:	12-28-2001	Status:	Abandoned – Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	07-11-2005
Examiner Name:	BEAMER, TEMICA M	Location:	ELECTRONIC
Group Art Unit:	2681	Location Date:	-
Confirmation Number:	3860	Earliest Publication No:	-
Attorney Docket Number:	1474	Earliest Publication Date:	-
Class/ Sub-Class:	455/426	Patent Number:	-
First Named Inventor:	Durga Satapathy, Olathe, KS (US)	Issue Date of Patent:	-
Title Of Invention:	System and method for multiple access communications		

Search Options

<input type="checkbox"/> Assignments
<input type="checkbox"/> Display References
<input type="checkbox"/> Image File Wrapper

File History	
Date	Contents Description
07-13-2005	Mail Abandonment for Failure to Respond to Office Action
07-11-2005	Abandonment for Failure to Respond to Office Action
12-13-2004	Miscellaneous Incoming Letter
10-22-2004	Miscellaneous Incoming Letter
12-09-2004	IFW TSS Processing by Tech Center Complete
12-09-2004	Correspondence Address Change
10-18-2004	Miscellaneous Incoming Letter
09-20-2004	Mail Non-Final Rejection
09-07-2004	Non-Final Rejection
06-28-2004	Case Docketed to Examiner in GAU
07-16-2003	Case Docketed to Examiner in GAU
02-20-2003	Case Docketed to Examiner in GAU
01-14-2003	Case Docketed to Examiner in GAU

02-17-2002	Case Docketed to Examiner in GAU
02-13-2002	Application Dispatched from OIPE
02-07-2002	Application Is Now Complete
01-17-2002	IFW Scan & PACR Auto Security Review
12-28-2001	Initial Exam Team nn



2681
JFW

PTO/SB/122 (09-04)
Approved for use through 07/31/2006. OMB 0851-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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CHANGE OF CORRESPONDENCE ADDRESS Application

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/035,620
Filing Date	December 28, 2001
First Named Inventor	Durga Satapathy
Art Unit	2681
Examiner Name	
Attorney Docket Number	1474

Please change the Correspondence Address for the above-identified patent application to:

☒ The address associated with
Customer Number:

21396

OR

☐ Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Fax

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ Attorney or agent of record. Registration Number 47,901

☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature

Typed or Printed
Name Kevin D. Robb

Date October 13, 2004

Telephone 913.315.9269

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Exhibit D

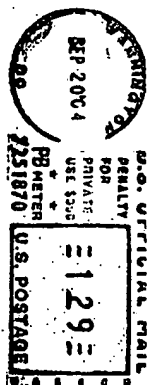
BEST AVAILABLE COPY

TC2600

Bldg/Room

PK2

Organization
U. S. DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
IF UNDELIVERABLE RETURN IN TEN DAYS
OFFICIAL BUSINESS



AN EQUAL OPPORTUNITY EMPLOYER



NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

Exhibit E



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,620	12/28/2001	Durga P. Satapathy	1474	3860

7590

09/20/2004

Harley R. Ball
Sprint Law Department
Mailstop: MOKCMP0503
8140 Ward Parkway
Kansas City, MO 64114

EXAMINER

BEAMER, TEMICA M

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 09/20/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
OCT 05 2004
Technology Center 2600

Office Action Summary	Application No.		Applicant(s)	
	10/035,620		SATAPATHY ET AL.	
	Examiner		Art Unit	
	Temica M. Davis		2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 13-21, 23, 24, 26-37, 39, 41-50, 56-61, 63, 64 and 66-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorman, U.S. Patent No. 6,141,356.

Regarding claims 1 and 48, Gorman discloses a system/method for multiple access comprising a wireline switch configured to communicate using a wireline communication (col. 2, lines 45-49); a wireless switch (inherent to cellular/wireless systems) configured to communicate using a wireless communication (col. 7, line 45- col. 8, line 4); and an access device (62) configured to communicate with the wireline switch and the wireless switch (col. 6, lines 6-23 and col. 8, lines 35-56; figure 3).

Regarding claims 2 and 49, Gorman discloses the system/method of claims 1 and 48 wherein the access device is configured to receive the wireless communication from the wireless switch and to receive the wireline communication from the wireline switch (col. 6, lines 9-22 and col. 8, lines 35-56).

Regarding claims 3 and 50, Gorman discloses the system/method of claims 1 and 48 wherein the access device is configured to transmit the wireless communication

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to the wireless switch and to transmit the wireline communication to the wireline switch (col. 6, lines 9-22 and col. 8, lines 35-56).

Regarding claim 4, Gorman discloses the system of claim 1 wherein the wireless communication comprises at least one member of a group comprising a multipoint multichannel distribution service spectrum communication, a code division multiplex access communication, a personal communication service communication, an unlicensed personal communications services spectrum communication, an industrial scientific medical spectrum communication, an unlicensed national information infrastructure spectrum communication, and a satellite service communication (col. 7, lines 1-9 and col. 7, line 45-col. 8, line 4).

Regarding claim 5, Gorman discloses the system of claim 1 wherein the wireline communication comprises at least one member of a group comprising a digital subscriber line based communication and a hybrid fiber coaxial based communication (col. 3, lines 24-36).

Regarding claim 6, Gorman discloses the system of claim 1 wherein the access device and the wireless switch are not within line of sight (figure 3).

Regarding claim 13, Gorman discloses the system of claim 1 wherein the access device comprises a digital subscriber line modem (col. 8, lines 38-56).

Regarding claim 14, Gorman discloses the system of claim 1 wherein the wireline switch comprises a digital subscriber line access multiplexer (col. 3, lines 33-45).

Regarding claim 15, Gorman discloses the system of claim 1 wherein the wireline switch comprises at least one member of a group comprising a local exchange carrier switch and an interexchange carrier switch (col. 2, lines 40-50).

Regarding claims 16 and 56, Gorman discloses the system/method of claims 1 and 48 wherein the access device is configured to process the wireless communication with at least one member of a group comprising encryption, de-encryption, encoding, decoding, multiplexing, de-multiplexing, modulation, and demodulation (col. 6, lines 9-23).

Regarding claims 17 and 57, Gorman discloses the system/method of claims 1 and 48 wherein the access device is configured to process the wireline communication with at least one member of a group comprising encryption, de-encryption, encoding, decoding, multiplexing, de-multiplexing, modulation, and demodulation (col. 8, lines 38-41).

Regarding claims 18 and 58, Gorman discloses the system of claims 1 and 48 wherein the wireless switch is configured to process the wireless communication with at least one member of a group comprising encryption, de-encryption, encoding, decoding, multiplexing, de-multiplexing, modulation, and demodulation (col. 7, line 45-col. 8, line 4).

Regarding claims 19 and 59, Gorman discloses the system/method of claims 1 and 48 wherein the wireline switch is configured to process the wireline communication with at least one member of a group comprising encryption, de-encryption, encoding,

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decoding, multiplexing, de-multiplexing, modulation, and demodulation (col. 2, lines 40-50).

Regarding claims 20 and 60, Gorman discloses the system/method of claims 1 and 48 further comprising a service node configured to communicate with the wireless switch (col. 7, lines 45-52).

Regarding claims 21 and 61, Gorman discloses the system/method of claims 20 and 60 wherein the service node is configured to communicate with the wireless switch using at least one member of a group comprising a wireless communication and a wireline communication (col. 7, lines 45-52).

Regarding claims 23 and 63, Gorman discloses the system/method of claims 1 and 48 further comprising a service node configured to communicate with the wireline switch (col. 4, lines 20-23).

Regarding claims 24 and 64, Gorman discloses the system/method of claims 23 and 63 wherein the service node is configured to communicate with the wireline switch using at least one member of a group comprising a wireless communication and a wireline communication (col. 4, lines 20-23).

Regarding claims 26 and 66, Gorman discloses the system/method of claims 1 and 48 wherein the wireless communication comprises a first service type communication and the wireline communication comprises a second service type communication (col. 2, line 58-col. 3, line 46).

Regarding claim 27, Gorman discloses a system for multiple access comprising: a wireline switch configured to receive a first set of communications, to format the first

set of communications as at least one wireline communication, and to transmit the at least one wireline communication (col. 2, lines 45-49); a wireless switch configured to receive a second set of communications, to format the second set of communications as at least one wireless communication, and to transmit the at least one wireless communication (col. 7, line 45-col. 8, line 4); and an access device configured to receive the at least one wireline communication and the at least one wireless communication (col. 8, lines 35-56).

Regarding claim 28, Gorman discloses the system of claim 27 wherein the first set of communications are formatted as a plurality of wireline communications, and the wireline switch is configured to transmit the plurality of wireline communications to the access device (col. 3, lines 24-36).

Regarding claim 29, Gorman discloses the system of claim 27 wherein the wireline switch comprises a digital subscriber line access multiplexer, and the digital subscriber line access multiplexer is configured to multiplex the first set of communications as at least one digital subscriber line wireline communication (col. 3, lines 24-36).

Regarding claim 30, Gorman discloses the system of claim 27 wherein the second set of communications are formatted as a plurality of wireless communications, and the wireless switch is configured to transmit the plurality of wireless communications to the access device (col. 7, line 45-col. 8, line 4).

Regarding claim 31, Gorman discloses the system of claim 27 further comprising a premises equipment wherein the access device is configured to format the wireless

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communication to a digital communication and to transmit the digital communication to the premises equipment (col. 3, lines 16-45; figure 3).

Regarding claim 32, Gorman discloses the system of claim 31 wherein the digital communication comprises voice based data, and the premises equipment is configured to format the digital communication as an analog communication for voice access (col. 3, lines 16-45).

Regarding claim 33, Gorman discloses the system of claim 27 further comprising a premises equipment wherein the wireless communication comprises voice-based data, and the access device is configured to format the wireless communication to an analog communication for voice access and to transmit the analog communication to the premises equipment (col. 3, lines 16-45).

Regarding claim 34, Gorman discloses the system of claim 27 wherein the first set of communications comprises data representative of at least one member of a group comprising voice-based data, internet protocol data, digital data, video data, and media data (col. 8, lines 13-33).

Regarding claim 35, Gorman discloses the system of claim 27 wherein the second set of communications comprises data representative of at least one member of a group comprising voice-based data, internet protocol data, digital data, video data, and media data (col. 8, lines 13-23).

Regarding claim 36, Gorman discloses a system for multiple access comprising: an access transceiver configured to communicate using a wireline communication and a wireless communication (col. 6, lines 6-23 and col. 8, lines 35-56; figure 3); a medium

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access control layer configured to control access to the access transceiver for communicating the wireline communication and the wireless communication (figure 3); and a service hub configured to communicate first data for the wireline communication and second data for the wireless communication for at least one premises communication (col. 4, line 47-col. 5, line 43)..

Regarding claim 37, Gorman discloses the system of claim 36 further comprising a multiplexer configured to demultiplex the wireline communication and the wireless communication (col. 3, lines 33-46).

Regarding claim 39, Gorman discloses the system of claim 36 further comprising a multiplexer configured to multiplex at least one member of a group comprising the first data and the second data (col. 3, lines 33-46).

Regarding claim 41, Gorman discloses the system of claim 36 further comprising a modulator configured to modulate data from the premises communication for generation of at least one member of a group comprising the wireline communication and the wireless communication (col. 6, lines 6-23 and col. 8, lines 35-56).

Regarding claim 42, Gorman discloses the system of claim 36 further comprising a modulator configured to demodulate data from at least one member of a group comprising the wireline communication and the wireless communication for generation of the premises communication (col. 6, lines 6-23 and col. 8, lines 35-56).

Regarding claim 43, Gorman discloses the system of claim 36 wherein the access transceiver comprises at least one member of a group comprising a plain old

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telephone service port, a digital subscriber line port, a hybrid fiber coaxial port, and an antenna (col. 3, lines 16-45).

Regarding claim 44, Gorman discloses the system of claim 36 further comprising a premises equipment comprising at least one member of a group comprising a computer, a telephone, a set top box, and a narrowband device (col. 8, lines 35-56; figure 3).

Regarding claim 45, Gorman discloses the system of claim 36 wherein the access transceiver is configured to transmit or receive the wireline communication and the wireless communication (col. 6, lines 6-23 and col. 8, lines 35-56; figure 3).

Regarding claim 46, Gorman discloses the system of claim 36 wherein the medium access control layer further is configured to control a resource for combining first data from the wireline communication and second data from the wireless communication to another communication (col. 5, lines 8-42).

Regarding claim 47, Gorman discloses the system of claim 36 wherein the service hub is configured to transmit or receive the premises communication (col. 4, line 47-col. 5, line 42; figure 3).

Regarding claim 67, Gorman discloses a method for multiple access comprising: receiving a first set of communications at a wireline switch, formatting the first set of communications as at least one wireline communication, and transmitting the at least one wireline communication (col. 2, lines 45-49); receiving a second set of communications at a wireless switch, formatting the second set of communications as at least one wireless communication, and transmitting the at least one wireless

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communication (col. 7, line 45-col. 8, line 4); and receiving the at least one wireline communication and the at least one wireless communication at an access device (col. 6, lines 6-23 and col. 8, lines 35-56).

Regarding claim 68, Gorman discloses the method of claim 67 further comprising formatting the first set of communications as a plurality of wireline communications, and transmitting the plurality of wireline communications to the access device (col. 3, lines 33-46 and col. 8, lines 35-56).

Regarding claim 69, Gorman discloses the method of claim 67 further comprising formatting the second set of communications as a plurality of wireless communications, and transmitting the plurality of wireless communications to the access device (col. 6, lines 6-23).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-12, 22, 25, 38, 40, 51-55, 62 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorman in view of well known prior art.

Regarding claim 7, Gorman discloses the system of claim 1 wherein the access device is configured to process at least one member of a group comprising the wireless

communication and the wireline communication using a multiplex asynchronous transfer mode protocol (col. 9, lines 2-7).

Gorman , however, fails to specifically disclose using inverse multiplex ATM. The examiner contends, however, that such a protocol is well known and widely used in the industry, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Gorman with the teachings of well known prior art since such a protocol is used for processing signals. Further, the examiner believes that such a limitation would not render the claims patentable over the applied reference because such a limitation depends merely on how one would like to process the signals.

Regarding claims 8 and 51, Gorman, as modified, discloses the system/method of claims 7 and 48 wherein the processing using inverse multiplex asynchronous transfer mode protocol comprises at least one member of a group comprising multiplexing and de-multiplexing (col. 9, lines 2-7).

Regarding claims 9 and 52, Gorman, as modified, discloses the system of claims 1 and 48 wherein the access device further is configured to receive the wireless communication, to receive the wireline communication, and to use a multiplex asynchronous transfer mode protocol to combine data from the wireless communication and other data from the wireline communication to form a premises communication (col. 5, lines 8-42 and col. 9, lines 2-7).

Gorman , however, fails to specifically disclose using inverse multiplex ATM.

The examiner contends, however, that such a protocol is well known and widely used in the industry, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Gorman with the teachings of well known prior art since such a protocol is used for processing signals. Further, the examiner believes that such a limitation would not render the claims patentable over the applied reference because such a limitation depends merely on how one would like to process the signals.

Regarding claims 10 and 53, Gorman, as modified discloses the system/method of claims 9 and 52 further comprising a premises equipment configured to receive the premises communication from the access device (figure 3).

Regarding claims 11 and 54, Gorman discloses the system/method of claims 1 and 48 wherein the access device is configured to use a multiplex asynchronous transfer mode protocol to process a first portion of data for transmission in the wireless communication and to process a second portion of data for transmission in the wireline communication (col. 2, line 58-col. 3, line 46 and col. 9, lines 2-7).

Gorman , however, fails to specifically disclose using inverse multiplex ATM.

The examiner contends, however, that such a protocol is well known and widely used in the industry, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Gorman with the teachings of well known prior art since such a protocol is used for processing signals. Further, the examiner believes that

such a limitation would not render the claims patentable over the applied reference because such a limitation depends merely on how one would like to process the signals.

Regarding claims 12 and 55, Gorman discloses the system/method of claims 11 and 54 further comprising a premises equipment configured to transmit a premises communication to the access device, the premises communication comprising the first portion of data and the second portion of data (figure 3).

Regarding claims 22, 25, 62 and 65 Gorman discloses the system/method of claims 20, 23, 61 and 63 as described above wherein the service node is configured to use multiplex asynchronous transfer mode protocol to process a portion of data for transmission to the wireless/wireline switch (col. 7, lines 45-52, col. 8, lines 35-56 and col. 9, lines 2-7).

Gorman , however, fails to specifically disclose using inverse multiplex ATM. The examiner contends, however, that such a protocol is well known and widely used in the industry, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Gorman with the teachings of well known prior art since such a protocol is used for processing signals. Further, the examiner believes that such a limitation would not render the claims patentable over the applied reference because such a limitation depends merely on how one would like to process the signals.

Regarding claims 38 and 40, Gorman discloses the system of claims 37 and 39 wherein the multiplexer is configured to process the wireline communication/first data and the wireless communication/second data with a multiplex asynchronous transfer

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mode protocol to generate another communication (col. 3, lines 33-46 and col. 9, lines 2-7).

Gorman , however, fails to specifically disclose using inverse multiplex ATM.

The examiner contends, however, that such a protocol is well known and widely used in the industry, and the examiner takes official notice as such.

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Gorman with the teachings of well known prior art since such a protocol is used for processing signals. Further, the examiner believes that such a limitation would not render the claims patentable over the applied reference because such a limitation depends merely on how one would like to process the signals.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams et al, U.S. Patent No. 6,427,071.

Katko, U.S. Patent No. 6,223,054.

Gillespie, U.S. Patent No. 6,014,377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis
Examiner
Art Unit 2681

September 3, 2004

A handwritten signature in black ink, appearing to read "Temica M. Davis", with a long horizontal line extending to the right.

Notice of References Cited	Application/Control No. 10/035,620	Applicant(s)/Patent Under Reexamination SATAPATHY ET AL.	
	Examiner Temica M. Davis	Art Unit 2681	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,141,356	10-2000	Gorman, Michael George	370/493
	B	US-6,014,377	01-2000	Gillespie, Donald E.	370/351
	C	US-6,427,071	07-2002	Adams et al.	455/403
	D	US-6,223,054	04-2001	Katko, Mark G.	455/554.2
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES

In support of its 21st Century Strategic Plan goal of increased patent e-Government, beginning in June 2004, the United States Patent and Trademark Office (Office or USPTO) will begin the phase-in of its E-Patent Reference program and hence will: (1) provide downloading capability of the U.S. patents and U.S. patent application publications cited in Office actions via the E-Patent Reference feature of the Office's Patent Application Information Retrieval (PAIR) system; and (2) cease mailing paper copies of U.S. patents and U.S. patent application publications with Office actions (in applications and during reexamination proceedings) except for citations made during the international stage of an international application under the Patent Cooperation Treaty (PCT). In order to use the new E-Patent Reference feature applicants must: (1) obtain a digital certificate and software from the Office; (2) obtain a customer number from the Office; and (3) properly associate patent applications with the customer number. Alternatively, copies of all U.S. patents and patent application publications can be accessed without a digital certificate from the USPTO web site, from the USPTO Office of Public Records, and from commercial sources. The Office will continue the practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of cited references will continue to be provided by the USPTO for international applications during the international stage.

Schedule

June 2004	TCs 1600, 1700, 2800 and 2900
July 2004	TCs 3600 and 3700
August 2004	TCs 2100 and 2600

All U.S. patents and U.S. patent application publications are available on the USPTO web site. However, a simple system for downloading the cited U.S. patents and patent application publications has been established for applicants, called the E-Patent Reference system. As E-Patent Reference and Private PAIR require participating applicants to have a customer number, retrieval software and a digital certificate, all applicants are strongly encouraged to contact the Patent Electronic Business Center to acquire these items. To be ready to use this system by June 1, 2004, contact the Patent EBC as soon as possible by phone at 866-217-9197 (toll-free), 703-305-3028 or 703-308-6845 or electronically via the Internet at ebc@uspto.gov.

Other Options

The E-Patent Reference function requires the applicant to use the secure Private PAIR system, which establishes confidential communications with the applicant. Applicants using this facility must receive a digital certificate, as described above. Other options for obtaining patents which do not require the digital certificate include the USPTO's free Patents on the Web program (<http://www.uspto.gov/patft/index.html>). The USPTO's Office of Public Records also supplies copies of patents for a fee (<http://ebiz1.uspto.gov/oems25p/index.html>). Commercial sources also provide U.S. patents and patent application publications.

For complete instructions see the Official Gazette Notice, USPTO TO PROVIDE ELECTRONIC ACCESS TO CITED U.S. PATENT REFERENCES WITH OFFICE ACTIONS AND CEASE SUPPLYING PAPER COPIES, on the USPTO web site.

**NOTICE OF OFFICE PLAN TO CEASE SUPPLYING COPIES OF CITED U.S. PATENT
REFERENCES WITH OFFICE ACTIONS, AND PILOT TO EVALUATE THE
ALTERNATIVE OF PROVIDING ELECTRONIC ACCESS TO SUCH U.S. PATENT
REFERENCES**

Summary

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site (www.USPTO.gov) and in the Patent Official Gazette (O.G.). In order to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <http://www.uspto.gov/ebc/downloads.html>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at: <http://www.uspto.gov/web/forms/sb0125.pdf>. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: http://www.uspto.gov/ebc/registration_pair.html.

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

references. The Office plans to continue to provide access to the E-Patent Reference feature during its evaluation of the pilot.

Comments

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at eReference@uspto.gov or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

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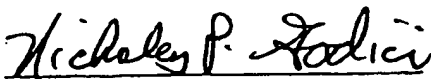
Implementation after Pilot

After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004; although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

For Further Information Contact

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Date. 12/1/03



Nicholas P. Godici
Commissioner for Patents

Notice of References Cited	Application/Control No. 10/035,620	Applicant(s)/Patent Under Reexamination SATAPATHY ET AL.	
	Examiner Temica M. Davis	Art Unit 2681	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,141,356	10-2000	Gorman, Michael George	370/493
	B	US-6,014,377	01-2000	Gillespie, Donald E.	370/351
	C	US-6,427,071	07-2002	Adams et al.	455/403
	D	US-6,223,054	04-2001	Katko, Mark G.	455/554.2
	E	US-			
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